

"Elizabeth Hines" <hinese@ewashtenaw.org> 10/31/2005 12:44 PM >>>
Dear Chief Justice Taylor,

I am writing to respectfully suggest a few comments re: the proposed Administrative Order concerning Privacy Policy and Access to Court Records. I am not writing on behalf of an organization, but to raise a few points I have discussed with my colleagues.

In "Access to Nonpublic Records," paragraph 2 states, "The parties to a case are allowed to view nonpublic records within their court file unless otherwise provided by statute or court rule." Does "parties" include the attorney for a party? If not, would it be better to say, "A party and/or the party's attorney are allowed to view..."? There are times when it would be much more convenient and/or less costly to have an attorney go to the courthouse to view a document needed in a nonpublic file.

Second, wouldn't it be clearer to add the word "expressly" before "provided by statute or court rule"? For example, a literal reading of the Holmes Youthful Trainee Act bars the defendant and/or the defendant's attorney from viewing information in the defendant's nonpublic file. One could argue that access by the defendant and his/her attorney is not expressly barred, however. (Compare that with the language in the statute concerning videorecorded interviews of children believed to be sexually abused which expressly prohibits copying and disseminating videorecorded interviews under most circumstances.)

Adding "expressly" and making sure "parties" includes their attorneys might make the proposed revisions easier to implement. Thank you for considering my input. Elizabeth Hines, 15th District Court Judge